

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.0
Eastern Division**

National City Commerical Capital Company

Plaintiff,

v.

Case No.:
1:07-cv-06124
Honorable Blanche
M. Manning

Korle Bu Medical Group, Ltd., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, November 1, 2007:

MINUTE entry before Judge Blanche M. Manning : The plaintiffs complaint invokes diversity of citizenship grounds. See 28 U.S.C. § 1332. The court has reviewed the jurisdictional allegations in the complaint pursuant to Wisconsin Knife Works v. National Metal Crafters, 781 F.2d 1280, 1282 (7th Cir. 1986) (the first thing a federal judge should do when a complaint is filed is check to see that federal jurisdiction is properly alleged). The complaint includes jurisdictional allegations for all of the members of the plaintiff, which is an LLC. However, the allegations for the defendants are insufficient. First, allegations of citizenship that are made upon information and belief are insufficient under Federal Rule of Civil Procedure 11, which imposes a duty of reasonable pre-complaint inquiry on the plaintiff. Multi-M Intl, Inc. v. Paige Med. Supply Company, 142 F.R.D. 150, 152 (N.D. Ill. 1992), citing Bankers Trust Co. v. Old Republic Ins. Co., 959 F.2d 677, 683 (7th Cir. 1992). Thus, the complaint cannot merely allege upon information and belief that defendant Korle Bu is an Illinois corporation with its principal place of business in Illinois. Second, citizenship, not residency, is what matters for diversity jurisdiction, so [w]hen the parties allege residence but not citizenship, the court must dismiss the suit. Guaranty National Title Co. v. J.E.G. Associates, 101 F.3d 57, 59 (7th Cir. 1996). This means that the allegations regarding defendant John Acquaye-Awah's residency are insufficient. Accordingly, the complaint is dismissed without prejudice. If the plaintiff wishes to amend its complaint it must do so by November 16, 2007. Mailed notice(rth,)

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